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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,215	01/19/2001	Friedrich Pieper	11844/1	9195
26646	7590	07/21/2004	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			KHATRI, ANIL	
		ART UNIT		PAPER NUMBER
		2124		5
DATE MAILED: 07/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/766,215	PIEPER, FRIEDRICH
	Examiner	Art Unit
	Anil Khatri	2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 19 January 2001.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by *Lee et al* USPN 5,995,969.

Regarding claims 1, 6, 11 and 16

Lee et al teaches,

- a meta data definition storage containing a definition of the process step to be generated and a first function (column 4, lines 3-25, “meta model to be stored... using ER model”);

- a process generator for generating the process step on the basis of the definition in the meta data definition storage (column 4, lines 20-25, "instance generator... meta model");
- an application data storage for storing application data, the application data being linked in accordance with a data logic (column 6, lines 23-34, "meta model includes... to the user interface");
- a runtime meta data storage for storing the data logic of the application data (column 4, lines 29-47, "meta model detection... three tables"); and
- a runtime environment for accessing the application data on the basis of the data logic and executing the process step using the application data by means of the first function specified in the meta data definition storage (figures 8A).

Regarding claims 2, 7, 12 and 17

Lee et al teaches,

- a runtime kernel (figures 4);
- an application shell (figure 4); and
- wherein the runtime kernel and the application shell are part of the runtime environment, and wherein the runtime environment determines whether the first function is a standardized, application-independent function or an application-dependent function, and wherein the runtime kernel executes the first function when the first function is a standardized, application-independent function, and wherein the application shell executes the first function when the first function is an application-dependent function (column 2, lines 47-58, "variety tool.. between the tools").

Regarding claims 3, 8, 13 and 18

Lee et al teaches,

- first function is specified in the meta data definition storage by at least one of execution timing meta data, execution location data, a call and a statement string (column 6, lines 23-34, “includes rules constraints... the user interface”).

Regarding claims 4, 9, 14 and 19

Lee et al teaches,

- the runtime environment acquires the data logic of the application data and stores the acquired data logic in the runtime meta database (column 4, lines 3-25, “meta model to be stored... using ER model”).

Regarding claims 5, 10, 15 and 20

Lee et al teaches,

- the data logic is acquired as a node links, the anode links representing connections amongst a plurality of data items in an application data storage (column 4, lines 26-47, “logical data structure... attribute of a relationship”).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- USPN 6453325
- USPN 6438539
- USPN 6029160
- USPN 6665675

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri whose telephone number is 703-305-0282. The examiner can normally be reached on M-F 8:30-5:00 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANIL KHATRI
PRIMARY EXAMINER